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C O N F I D E N T I A L SECTION 01 OF 02 SOFIA 001796

SIPDIS

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SUBJECT: PROGRESS ON U.S. MILITARY ACCESS, BUT TOUGH ISSUES
REMAIN

REF: SOFIA 0924

Classified By: Charge d'Affaires Jeffrey D. Levine, for reasons 1.4 a a
nd d.

11. (C) SUMMARY: A negotiating team led by Ambassador Robert Loftis made significant progress toward concluding a supplemental Status of Forces Agreement (SOFA) with the GOB during talks in Sofia October 6-7. Significant work remains to be done, however, in the areas of freedom of movement and criminal jurisdiction, both of which are of prime importance to the United States. Following up on the team's first visit to Sofia May 16-17 (reftel), U.S. and Bulgarian negotiators discussed a revised U.S. supplemental SOFA proposal, proposed GOB revisions to the supplemental, and the GOB's significantly revised draft of the Defense Cooperation Agreement (DCA). The GOB initially indicated its desire to include in the DCA language covering a much larger sphere of security cooperation than that envisioned by the U.S., but agreed to set the treatment of these issues aside for the moment. Press coverage of the talks was uncharacteristically negative, indicating that opponents -- perhaps including third countries -- seek an opportunity to derail them. END SUMMARY.

12. (C) The leader of the Bulgarian negotiating team, Ambassador Lubomir Ivanov, told Amb. Loftis that the GOB wished to discuss a wide range of topics in addition to the supplemental Status of Forces Agreement (SOFA) and Defense Cooperation Agreement (DCA), including cooperative research and development, expanded relations between scientific and technical communities, and a framework for political-military consultations. He noted that in drafting their versions of the DCA and Supplemental SOFA they had relied on other agreements that the USG had entered into with other NATO allies (e.g., Turkey and Spain). Amb. Loftis explained that such topics are outside his mandate, which is limited to status and access issues. Ivanov agreed to negotiate those items within Amb. Loftis' mandate with the understanding that discussions on the broader issues are necessary because "we have to be politically able to explain the full range of activities covered by our cooperation."

13. (C) After a long interlude necessitated by the Bulgarian elections in June and a two-month delay in forming a new ruling coalition, SOFA/DCA negotiations resumed October 6 and 17. Over the course of two days of detailed negotiations, the delegations made substantial progress on language in the SOFA and discussed generally the Defense Cooperation Agreement. The Bulgarians largely agreed to the U.S. positions on taxation and import/export. They also moved toward the U.S. position on environmental protections and the status of contractors. A number of challenges remain in the following areas:

a. Criminal Jurisdiction: The GOB does not want to give the impression that it is surrendering sovereignty. Ivanov said that the standard U.S. language would be a "problem of presentation" and would be difficult to explain to the public, a majority of whom would oppose the perceived limits on Bulgarian sovereignty. Specifically, the Bulgarians do not want to grant an advance waiver of criminal jurisdiction, which is a standard provision in our bilateral Supplemental SOFAs with NATO allies. Instead, the Bulgarians proposed language indicating that upon request by the U.S. military, it would waive its primary right to exercise jurisdiction except in cases of particular importance and that such a request for waiver would be considered granted if the MOJ had not notified the U.S. military of its granting of the request or requested clarification in 30 days of receipt of the waiver request.

b. Freedom of Movement: In their draft of the DCA, the Bulgarians limited use of facilities to training and exercises and military operations under the NATO umbrella and required prior notification. For activities outside of the NATO framework, the use of facilities would be subject to prior authorization by the competent Bulgarian authorities. Their draft also proposed a limit on the number of U.S. personnel who could be "stationed" in Bulgaria. Amb. Loftis explained that language addressing deployments was a critical issue and stressed the need for maximum flexibility for any U.S. forces in Bulgaria.

14. (C) In the days leading up to the U.S. delegation's

arrival, the Bulgarian media ran news reports claiming that the U.S. wanted to establish large "military zones" around the commercial port of Burgas that would severely limit commercial shipping activity. This prompted three members of Parliament from Burgas to send a letter of inquiry to the MFA. In response to Amb Ivanov's request for clarification, we assured him that the U.S. was only interested in periodically shipping military cargo through Burgas' commercial port and we had no plans to establish a naval base there.

15. (C) After the end of formal negotiations, Ambassador Loftis and DCM Levine met privately with Ambassador Ivanov to discuss the way forward. Amb. Loftis stressed again the importance of freedom of movement and criminal jurisdiction to the success of the negotiations. He also cautioned Amb. Ivanov against continuing to cite old bilateral agreements between the U.S. and other NATO countries, noting that they were designed for situations in which the U.S. had stationed large numbers of troops and were at any rate not well suited to the current strategic situation. Amb. Ivanov reiterated that Bulgaria wants to conclude the agreements and improve its cooperation with the U.S., but also that he is under instructions to both protect Bulgaria's sovereignty and to widen the cooperation with the U.S. as far as possible.

16. (C) On October 7, Amb. Loftis briefed a joint meeting of senior members of Parliament's defense and foreign affairs committees. Without getting into the details of the negotiations, Amb. Loftis gave the parliamentarians a brief description of the Global Defense Posture Realignment and how it relates to Bulgaria, stressing that the U.S. is seeking access to Bulgarian facilities and has no desire to establish its own military bases in Bulgaria. The committee's leadership asked about industrial cooperation, strategic consultations, and financial arrangements. Amb. Loftis responded that his mandate is to negotiate status and access agreements, but the USG might be willing to separately consider these and other questions outside the scope of the two agreements. He said that the U.S. pays its own way but does not pay rent for access to bases, and that freedom of movement is a key U.S. consideration. The parliamentary reaction was generally positive, but the leader of the extreme nationalist Ataka party, Volen Siderov, took the opportunity to grandstand, saying that the U.S. military presence would expose Bulgaria to attack and calling for a referendum on the proposed agreements.

17. (C) Press coverage of the Loftis visit was more negative than expected. While the body of most articles was more or less factually correct, headlines in the two largest dailies focused on the fact that the U.S. would not pay for the use of Bulgarian facilities and would not ask permission to launch military strikes from Bulgarian territory (sic). Some of our Bulgarian contacts have suggested that the Russian embassy in Sofia may be encouraging Ataka and influencing press coverage of the issue. The ground for such measures is undeniably fertile; a tracking poll commissioned by the Embassy in September showed that 61 percent of Bulgarians oppose "U.S. bases" on their territory.

18. (C) COMMENT: With a new government having taken power since the last negotiating session in May, the Bulgarian side started these talks almost from zero. The talks, however, proceeded in a businesslike manner and resulted in substantial progress on many articles of the SOFA Supplemental. Ivanov and others in the government have also stressed their determination to reach agreement. Siderov's outburst and the negative press spin highlight the need for sustained public diplomacy on our part, and even more so on the part of the Bulgarian government. We are working on a public outreach plan (op-eds, interviews, visits to regions where military bases to which we would like access are located) to counter the disinformation, and will press the government to develop its own public-education campaign as well. In particular, it will be critical to dispel public misperceptions, fueled at times by the government's own comments, that the U.S. intends to establish large military bases in Bulgaria. END COMMENT.

19. (U) This cable has been cleared by Ambassador Robert Loftis.
LEVINE